

PAUL R. RIEHLE (SBN 115199)
paul.riehle@faegredrinker.com
**FAEGRE DRINKER BIDDLE & REATH
LLP**
Four Embarcadero Center
San Francisco, CA 94111
Telephone: (415) 591-7500
Facsimile: (415) 591-7510

CHRISTINE A. VARNEY (*pro hac vice*)
cvarney@cravath.com
KATHERINE B. FORREST (*pro hac vice*)
kforrest@cravath.com
GARY A. BORNSTEIN (*pro hac vice*)
gbornstein@cravath.com
YONATAN EVEN (*pro hac vice*)
yeven@cravath.com
LAUREN A. MOSKOWITZ (*pro hac vice*)
lmoskowitz@cravath.com
M. BRENT BYARS (*pro hac vice*)
mbyars@cravath.com
CRAVATH, SWAINE & MOORE LLP
825 Eighth Avenue
New York, New York 10019
Telephone: (212) 474-1000
Facsimile: (212) 474-3700

*Attorneys for Plaintiff and Counter-
defendant Epic Games, Inc.*

[Additional counsel appear on signature
page]

THEODORE J. BOUTROUS JR. (SBN
132099)
tboutrous@gibsondunn.com
RICHARD J. DOREN (SBN 124666)
rdoren@gibsondunn.com
DANIEL G. SWANSON (SBN 116556)
dswanson@gibsondunn.com
JAY P. SRINIVASAN (SBN 181471)
jsrinivasan@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197
Telephone: 213.229.7000
Facsimile: 213.229.7520

VERONICA S. MOYE (*pro hac vice*)
vlewis@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue, Suite 1100
Dallas, TX 75201
Telephone: 214.698.3100
Facsimile: 214.571.2900

CYNTHIA E. RICHMAN (*pro hac vice*)
crichman@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5306
Telephone: 202.955.8500
Facsimile: 202.467.0539

*Attorneys for Defendant and
Counterclaimant Apple Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

vs.

APPLE INC.,

Defendant, Counterclaimant.

No. 4:20-CV-05640-YGR-TSH

**STIPULATION AND [PROPOSED]
ORDER REGARDING MATERIALS
RELIED UPON BY EXPERTS**

Hon. Yvonne Gonzalez Rogers

Pursuant to the Court's correspondence of May 8, 2021, directing that "[w]here the parties agree on the admissibility of documents associated with each expert's testimony, please prepare a written list of those documents for the court and the clerk of the court which will allow for the efficient admission of the same," IT IS HEREBY STIPULATED, subject to the approval of the Court:

The exhibits listed in the table below are admitted into evidence in connection with the opinion(s) offered by the expert(s) identified, subject to: (a) the Court's standing orders on hearsay and other evidentiary matters; (b) appropriate confidentiality designations, as proposed by the parties on a per-exhibit basis; (c) the understanding that Rule 1006 summaries admitted in connection with expert opinions provide a basis for those opinions and the parties will not object to Rule 1006 summaries on the basis that the underlying materials have not been admitted into evidence separately; and (d) the understanding that Drs. Evans, Athey, Hitt and Schmalensee may rely on information not admitted into the record, consistent with Rule 703, and that the parties will not object to those experts' reliance on such unadmitted materials within the scope of Rule 703 except as otherwise expressly set forth herein.

Apple reserves the right to object pursuant to Rule 703 to testimony by Dr. Evans in reliance on the following sources:

1. Korea Bizwire, "Korean App Market ONE Store Eyes Global Alliance to Compete with Google," December 1, 2019, <http://koreabizwire.com/korean-app-market-one-store-eyes-global-alliance-to-compete-with-google/148739>
2. Korea JoongAng Daily, "One Store gains ground in local Android app market," December 2, 2020, <https://koreajoongangdaily.joins.com/2020/12/02/business/industry/One-Store-app-market-Google/20201202175300439.html>

Expert	Exhibit	Subject to sealing order or motion
Schmalensee	DX-4626	N/A

1	Schmalensee	DX-3513	N/A
2	Schmalensee	DX-3122	Apple intends to request sealing
3	Schmalensee	DX-3258	N/A
4	Schmalensee	DX-4335	The Court has deferred consideration of sealing this document (Dkt. 564)
5	Schmalensee	DX-3067	N/A
6	Schmalensee	DX-3585	N/A
7	Schmalensee	DX-3746	Partially sealed (Dkt. 547)
8	Schmalensee	DX-3456	N/A
9	Schmalensee	DX-3390	N/A
10	Schmalensee	DX-3734	Partially sealed (Dkt. 564)
11	Schmalensee	DX-4094	Apple intends to request sealing
12	Schmalensee	DX-4275	N/A
13	Schmalensee	DX-3465	Apple intends to request sealing
14	Schmalensee	DX-4526	N/A
15	Schmalensee	DX-4089	Apple intends to request sealing
16	Schmalensee	DX-3800	N/A
17	Schmalensee	DX-3781	N/A
18	Schmalensee	DX-4623	N/A
19	Schmalensee	DX-4192	N/A
20	Schmalensee	DX-3900	N/A
21	Schmalensee	DX-3256	N/A
22	Schmalensee	DX-3905	N/A
23	Schmalensee	DX-4855	N/A
24	Schmalensee	DX-4856	N/A
25	Schmalensee	DX-4857	N/A
26	Schmalensee	DX-4857	N/A
27	Schmalensee	DX-4857	N/A
28			

1	Schmalensee	DX-4858	N/A
2	Schmalensee	DX-4859	N/A
3	Schmalensee	DX-4861	N/A
4	Schmalensee	DX-3796	N/A
5	Schmalensee	DX-4389	N/A
6	Schmalensee	DX-3202	N/A
7	Schmalensee	DX-3298	N/A
8	Schmalensee	DX-4922	N/A
9	Schmalensee	DX-3583	N/A
10	Schmalensee	DX-4434	N/A
11	Schmalensee	DX-3463	N/A
12	Schmalensee	DX-3505	N/A
13	Schmalensee	DX-3512	N/A
14	Schmalensee	DX-3055	N/A
15	Schmalensee	DX-4614	N/A
16	Hitt	DX-3084	N/A
17	Hitt	DX-3120	N/A
18	Hitt	DX-3174	Apple intends to request sealing
19	Hitt	DX-3221	N/A
20	Hitt	DX-3248	Apple intends to request sealing
21	Hitt	DX-3584	Sealed in full (Dkt. 547)
22	Hitt	DX-3598	Partially sealed (Dkt. 547)
23	Hitt	DX-3732	N/A
24	Hitt	DX-3814	N/A
25	Hitt	DX-3867	N/A

1	Hitt	DX-3879	Sealed in full, Dkt. 547
2	Hitt	DX-3918	Partially sealed (Dkt. 564)
3	Hitt	DX-4170	Apple intends to request sealing
4	Hitt	DX-4199	Apple intends to request sealing
5	Hitt	DX-4217	N/A
6	Hitt	DX-4303	Partially sealed (Dkt. 547)
7	Hitt	DX-4310	Partially sealed (Dkt. 547)
8	Hitt	DX-4363	Epic intends to request sealing (Dkt. 596)
9	Hitt	DX-4389	N/A
10	Hitt	DX-4558	N/A
11	Hitt	DX-4641	Sealed in full (Dkt. 594)
12	Hitt	DX-4661	N/A
13	Hitt	DX-4757	N/A
14	Hitt	DX-4758	N/A
15	Hitt	DX-4759	N/A
16	Hitt	DX-4760	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 614)
17	Hitt	DX-4761	N/A
18	Hitt	DX-4763	N/A
19	Hitt	DX-4765	N/A
20	Hitt	DX-4766	N/A
21	Hitt	DX-4767	N/A
22	Hitt	DX-4769	N/A
23	Hitt	DX-4770	N/A
24	Hitt	DX-4771	N/A
25	Hitt	DX-4773	N/A

1	Hitt	DX-4774	N/A
2	Hitt	DX-4775	N/A
3	Hitt	DX-4777	N/A
4	Hitt	DX-4780	N/A
5	Hitt	DX-4782	N/A
6	Hitt	DX-4786	N/A
7	Hitt	DX-4787	N/A
8	Hitt	DX-4792	N/A
9	Hitt	DX-4793	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 614)
10	Hitt	DX-4794	Apple intends to request sealing
11	Hitt	DX-4795	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 614)
12	Hitt	DX-4796	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 614)
13	Hitt	DX-4797	Apple intends to request sealing
14	Hitt	DX-4798	N/A
15	Hitt	DX-4800	Partially sealed (Dkt. 564); Epic intends to request sealing
16	Hitt	DX-4802	N/A
17	Hitt	DX-4803	N/A
18	Hitt	DX-4806	N/A
19	Hitt	DX-4807	Apple intends to request sealing
20	Hitt	DX-4808	N/A
21	Hitt	DX-4809	Apple intends to request sealing
22	Hitt	DX-4810	N/A
23	Hitt	DX-4811	N/A
24	Hitt	DX-4812	N/A
25	Hitt	DX-4813	N/A

1	Hitt	DX-4815	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 614)
2	Hitt	DX-4816	N/A
3	Hitt	DX-4817	N/A
4	Hitt	DX-4818	N/A
5	Hitt	DX-4819	N/A
6	Hitt	DX-4822	N/A
7	Hitt	DX-4823	N/A
8	Hitt	DX-4824	N/A
9	Hitt	DX-5322	Partially sealed (Dkt. 547)
10	Hitt	DX-5326	Partially sealed (Dkt. 547)
11	Hitt	DX-5335	N/A
12	Evans	DX-3877	N/A
13	Evans	DX-3922	N/A
14	Evans	DX-4024	N/A
15	Evans	DX-4200	Partially sealed (Dkt. 526)
16	Evans	DX-4649	N/A
17	Evans	PX-0133	N/A
18	Evans	PX-0428	N/A
19	Evans	PX-0523	N/A
20	Evans	PX-0526	Apple intends to request sealing
21	Evans	PX-0747	Apple intends to request sealing
22	Evans	PX-1047	Apple intends to request sealing
23	Evans	PX-1049	Apple intends to request sealing
24	Evans	PX-1050	Apple intends to request sealing
25	Evans	PX-1054	N/A

1	Evans	PX-1055	N/A
2	Evans	PX-1056	N/A
3	Evans	PX-1057	N/A
4	Evans	PX-1059	N/A
5	Evans	PX-1061	N/A
6	Evans	PX-1066	Apple intends to request sealing
7	Evans	PX-1069	N/A
8	Evans	PX-1070	N/A
9	Evans	PX-1074	N/A
10	Evans	PX-1075	N/A
11	Evans	PX-1076	N/A
12	Evans	PX-1077	Apple intends to request sealing
13	Evans	PX-1078	N/A
14	Evans	PX-1079	N/A
15	Evans	PX-1080	N/A
16	Evans	PX-1084	N/A
17	Evans	PX-2001	N/A
18	Evans	PX-2031	N/A
19	Evans	PX-2048	N/A
20	Evans	PX-2065	N/A
21	Evans	PX-2093	N/A
22	Evans	PX-2109	N/A
23	Evans	PX-2116	Apple intends to request sealing
24	Evans	PX-2123	N/A
25	Evans	PX-2126	Apple intends to request sealing

1	Evans	PX-2142	Apple intends to request sealing
2	Evans	PX-2176	Apple intends to move to seal
3	Evans	PX-2189	N/A
4	Evans	PX-2217	N/A
5	Evans	PX-2218	N/A
6	Evans	PX-2280	N/A
7	Evans	PX-2296	N/A
8	Evans	PX-2300	N/A
9	Evans	PX-2325	N/A
10	Evans	PX-2326	Apple intends to request sealing
11	Evans	PX-2328	Apple intends to request sealing
12	Evans	PX-2333	Apple intends to request sealing
13	Evans	PX-2365	N/A
14	Evans	PX-2385	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 548)
15	Evans	PX-2392	Apple intends to request sealing as this exhibit reflects sealed material (Dkt. 614)
16	Evans	PX-2477	Partially sealed (Dkt. 564)
17	Evans	PX-2557	N/A
18	Evans	PX-2558	N/A
19	Athey	PX-0405	N/A
20	Athey	PX-0892	N/A
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1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

2
3 Dated: May 11, 2021

CRAVATH, SWAINE & MOORE LLP

Christine A. Varney (*pro hac vice*)

Katherine B. Forrest (*pro hac vice*)

Gary A. Bornstein (*pro hac vice*)

Yonatan Even (*pro hac vice*)

Lauren A. Moskowitz (*pro hac vice*)

M. Brent Byars (*pro hac vice*)

4
5
6
7 FAEGRE DRINKER RIDDLE & REATH
LLP

Paul J. Riehle

8
9 By: /s/ Justin C. Clark

Justin C. Clark

825 Eighth Avenue

New York, New York 10019

Telephone: (212) 474-1000

12 *Attorneys for Plaintiff and*
13 *Counter-defendant Epic Games, Inc.*

14
15 Dated: May 11, 2021

GIBSON, DUNN & CRUTCHER LLP

Theodore J. Boutrous Jr.

Richard J. Doren

Daniel G. Swanson

Jay P. Srinivasan

Mark A. Perry

Veronica S. Moye

Cynthia E. Richman

Jay P. Srinivasan

20 By: /s/ Rachel S. Brass

Rachel S. Brass

555 Mission Street, Suite 3000

San Francisco, CA 94105-0921

(415) 393-8200

23 *Attorneys for Defendant and*
24 *Counterclaimant Apple Inc.*

1 **PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO**
2 **ORDERED.**

3 DATED: _____

4 _____
5 HON. YVONNE GONZALEZ ROGERS
6 United States District Court Judge
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ECF SIGNATURE ATTESTATION

In accordance with Civil Local Rule 5-1, the filer of this document hereby attests that the concurrence of the filing of this document has been obtained from the other signatory hereto.

Dated: May 11, 2021

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Rachel S. Brass
Rachel S. Brass

*Attorney for Defendant and
Counterclaimant Apple Inc.*